

**ELEVENTH DAY.**

Senate Chamber,  
Austin, Texas,  
September 29, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck. Russek.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Poage:

S. B. No. 25, A bill to be entitled "An Act adding two new sections to Article 7174 of the Revised Civil Statutes of 1925 and providing that the owner of any real estate in this State may file with the tax assessor a statement describing any liens thereon and that thereupon such owner shall be taxed only upon the equity owned in said real estate, that said lien shall be assessed as other real property against the owners thereof, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 26, A bill to be entitled "An Act donating and granting State ad valorem taxes collected upon property in Kenedy County, including county's apportioned tax on railroad rolling stock, to the County of Willacy, etc., and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 27, A bill to be entitled "An Act to amend Article 2938 of the Revised Civil Statutes of Texas, 1925, relating to the appointment of election judge and clerks in election precincts where there are one hundred citizens or more who have paid their poll tax or received their certificate of exemption, etc., and declaring an emergency."

Read and referred to Committee on Privileges and Elections.

By Senator Parr:

S. B. No. 28, A bill to be entitled "An Act to restore and confer upon the County Court of Duval County the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas, and to define the jurisdiction of said court, and to conform the jurisdiction of the district court of said county to said change, etc., and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

By Senator Martin:

S. B. No. 29, A bill to be entitled "An Act authorizing the Texas Prison Board to employ a supervising steward or stewardess; prescribing the duties of such steward or stewardess; providing that the Prison Board may alter and/or extend the duties of such supervising steward or stewardess; providing that the supervising steward or stewardess shall receive such salary as provided for in the general appropriation bill for supervising stewards and declaring an emergency."

Read and referred to Committee on State Penitentiaries.

By Senator Martin:

S. B. No. 30, A bill to be entitled "An Act amending Article 7256 of the 1925 Revised Civil Statutes of

Texas, so as to provide that in all counties containing a city, other than the county seat, in excess of 7,000 inhabitants according to the 1930 Decennial Census, the tax collector, with the consent and approval of the commissioners' court of said county may appoint a deputy tax collector in such town or city, who shall have the right to issue valid receipts for all taxes collected by him and to collect a fee of twenty-five cents from each person who pays his taxes to said deputy and to whom said deputy issues a receipt; providing that no person shall be charged over twenty-five cents for paying his taxes to said deputy; providing that said deputy shall enter into such bond payable to the county judge of the county, in such amount as the tax collector and commissioners' court may require; and further providing that said tax collector shall likewise remain liable on his bonds for all such taxes collected; and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

By Senator DeBerry:

S. B. No. 31, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from any of the waters of Red River County, except a seine or net of not less than two inch square mesh; or a minnow seine for the purpose of taking bait; providing a penalty; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Game and Fish.

By Senator Holbrook:

S. B. No. 32, A bill to be entitled "An Act to aid the city of Palacios and the village of Collegeport, both situated in Commissioner's Precinct Number 3 of Matagorda County, Texas, in constructing and maintaining sea walls, breakwaters, shore protection, in order to protect said city and village from calamitous overflows by donating to them eight-ninths (8-9) of the ad valorem taxes collected on all property, both real and personal, in Commissioner's Precinct Number 3 of Matagorda County, Texas, for a period of thirty years; providing for a commission to construct such sea walls, breakwaters and shore protection; pro-

viding for compensation for members of said commission; providing a penalty for misapplication of the money thus donated; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Redditt:

S. B. No. 33, A bill to be entitled "An Act to appropriate the unexpended balance in the State Treasury on September 1, 1933, to the credit of a separate fund provided for by Section 9, S. B. No. 111 passed at the Second Called Session of the Forty-first Legislature; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Pace:

S. B. No. 34, A bill to be entitled "An Act to amend S. B. No. 488, Chapter 74, pages 95 to 98, inclusive, of the Special Laws of Texas, Acts of the Regular Session of the Forty-third Legislature of the State of Texas, approved May 16, 1933; which Act was amendatory of S. B. No. 54, Chapter 17, pages 262 to 265, inclusive, Acts of the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas, approved March 25, 1918; which said last mentioned Act was amendatory of Sections 12 and 16 of the Special Road Law of Smith County, Texas, passed by the Regular Session of the Thirty-third Legislature and known as Chapter 70 of the Special Laws of said Thirty-third Legislature, and which is also amendatory of Section 3 of Chapter 8 of the Special Road Law of Smith County, Texas, passed at the Regular Session of the Thirty-fourth Legislature and approved February 16, 1915, so as to further provide that the Commissioners' Court of Smith County, Texas, shall provide for the transportation of the county convicts who may be ordered to work on said roads, and for the transportation from place to place in the county of the various employees and hands, laborers, mechanics and artisans who may be employed on the roads and bridges of Smith County, Texas, as well as the transportation of the members of the court in the inspection and general supervision of the roads and bridges of Smith County, Texas, by providing for the purchase

by the court of such motor vehicles, motor trucks and trailers as may appear reasonably necessary and proper by said court for said purposes and further providing for the necessary and incidental expenditures for the maintenance and upkeep of said motor vehicles as may be provided by said court, and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senator Neal:

S. B. No. 35, A bill to be entitled "An Act amending S. B. No. 86, Acts of the First Called Session of the Forty-first Legislature by authorizing the receiving of gifts and donations for rehabilitation work, said gifts and donations to be deposited in the State Treasury, subject to the matching of same with Federal funds to a limited amount; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Woodruff:

S. B. No. 36, A bill to be entitled "An Act amending Section 1 of Chapter 12, Acts of the Forty-second Legislature, defining the offense of kidnapping for extortion, ransom or robbery so as to provide for capital punishment regardless of whether the person kidnapped, detained or enticed away is returned by the defendant without serious bodily injury; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Parr, Beck, Sanderford, Martin, Hopkins, Fellbaum, Greer, Small, Hornsby, Duggan, Neal, Blackert, Murphy, Russek, Woodul and Regan:

S. B. No. 37, A bill to be entitled "An Act to provide for the suppression of typhus fever in Texas through the control of rodent transmitters thereof; providing for survey of infested areas; making an appropriation to carry out the provisions of this Act; directing how same shall be expended; providing for the cooperation of the State of Texas through the State Department of Health with the U. S. Biological Survey; enacting other provisions necessary and incidental to the general purpose of this Act; declaring that the unconstitutionality or invalidity of any part of this Act shall

not affect any other part thereof; and declaring an emergency."

Read and referred to Committee on Public Health.

By Senators Redditt, and Cousins:

S. B. No. 38, A bill to be entitled "An Act creating 'Lower Neches Valley Authority,' a conservation and reclamation district under and with the powers provided in Section 59, of Article 16, of the Constitution, to conserve, control and utilize storm and flood waters of the Neches River and its tributaries, except said district shall have no power of taxation nor right to create any debt payable out of taxation; defining the boundaries thereof, providing for control through board of directors, their appointment, qualifications and tenure, their organization and powers; authorizing the storing, controlling, conservation and distribution of storm and flood waters of Neches River and its tributaries within and/or without such district, for irrigation, domestic, industrial and municipal uses, and also for hydroelectric power, with authority to make contracts with water users and to establish and collect maintenance and operation charges for water service, also authorizing all contracts, leases and agreements necessary or convenient with any person, corporation or government, including the United States Government and the State of Texas, or their agencies, and authorizing conveyance of the district's properties, improvements and facilities to the United States, or any agency thereof, and a lease thereof with the United States or any agency thereof, with the rentals payable out of the revenues of such district; subordinating such district to the control of the State Board of Water Engineers, or other State agency; providing for acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities necessary or proper within or without said district, including the right of eminent domain, and authorizing such district to borrow money from the Federal Emergency Administration of Public Works, or other United States agency, and from other persons, and secure payment

thereof by first and/or second mortgage and encumbrance on all of the district's properties, improvements and facilities and the revenue and income to be derived therefrom; providing for the issuance of interest bearing obligations therefor; prescribing therein terms, conditions of issuance, and prohibiting their payment out of any taxation or involuntary assessment; preserving the water rights of existing water users; providing if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency."

Read and referred to Committee on Public Health.

By Senator Woodul:

S. B. No. 39, A bill to be entitled "An Act to define, license, and regulate loan brokers, and the business of loan brokers in amounts of \$500 or less, secured or unsecured; providing for a license fee; providing that application for license shall be in writing under oath; providing for the appointment of an agent to accept service in certain suits; providing for service upon the county judge in certain suits; whether such loan brokers are licensed or not licensed; providing for the filing of a bond by loan brokers for the use of any and all persons who may have cause of action under this Act; declaring usurious contracts within the scope of this Act to be unlawful and against public policy and void as to interest only; providing additional penalty for usury collected or paid; providing for an attorney's fee in actions for recovery of damages or usury under this Act; requiring the joinder and signature of the wife on certain documents when given by a married man as security for a loan of money or purchase of wages or salary, or other transaction, under this Act; requiring loan brokers to keep certain records; and providing that certain persons may examine said records; and providing that said records may be used as evidence in certain suits against said loan brokers; requiring loan brokers to deliver statement of transaction to person doing business with such loan broker; requiring loan brokers to give certain receipts for money collected; exempting certain persons, co-partner-

ships, associations and corporations from the provisions of this Act; providing that if any part or provision of this Act shall be adjudged unconstitutional or invalid, that the remainder shall remain in full force and effect thereafter; providing punishment for violations of this Act; to repeal S. B. No. 7 of Acts of 1915, Thirty-fourth Legislature, Regular Session, page 48, Chapter 28; to repeal S. B. No. 32 of the Acts of 1917, Thirty-fifth Legislature, First Called Session, page 59, Chapter 37; to repeal H. B. No. 122 of the Acts of 1927, Fortieth Legislature, First Called Session, page 30, Chapter 17, and to repeal all Acts and parts of Acts, whether general, or special, or local, which relate to the same subject matter as this Act, insofar as they are inconsistent with provisions of this Act, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Redditt:

S. B. No. 40, A bill to be entitled "An Act authorizing the issuance of relief bonds to the extent of Five Million (\$5,000,000) Dollars under Section 51-A, Article III, of the Constitution of the State of Texas, for the purpose of extending relief to bona fide residents of the State of Texas who desire to purchase small farm homes; creating the Texas Farm Commission and designating the membership thereof and prescribing the duties of said Commission; authorizing the Commission to issue and sell said bonds as provided herein and providing the procedure for the sale of said bonds, the disposition of the proceeds thereof, and the manner for repayment of the principal and interest of said bonds at maturity; providing rules and regulations for the making of loans and those eligible for loans; making an appropriation for the support and maintenance of the Texas Farm Commission for the remainder of the current biennium; authorizing the employment of necessary employees; designating the county agricultural agents of the several counties as local agents for the Texas Farm Commission; authorizing the Board of Directors of said Texas Farm Commission to provide necessary by-laws for said commission for the

conducting of its business; and declaring an emergency."

Read and referred to Committee of the Whole.

#### Senator Excused.

Senator Russek was excused for the day on account of important business, on motion of Senator Collier.

#### Messages From the Governor.

Executive Office,

Austin, Texas, Sept. 29, 1933.

To the Forty-third Legislature in First Called Session:

There has come to my notice a matter of such grave importance that I deem it my duty to bring the same to your notice.

There remains in the Relief Fund for destitution from the August allotment during which month a total of \$1,536,000.00 was actually expended for relief, an unobligated cash balance of \$882,031.85. There are on the relief rolls 180,000 families, or approximately 900,000 people. Twenty-eight thousand new families were added during the month of August, and the list is growing every day and will continue to grow from now on through the winter. By the 15th of October there will be approximately one million people needing and asking for relief. By the first of October the unobligated cash balance to the credit of the Relief Fund will not exceed \$500,000.00. By the middle of October our funds will be completely exhausted. Please bear in mind the date—October 15. With the Federal Government refusing to advance any further sums for Texas relief until action is taken by your body, we will then face a very desperate crisis until relief from some source is provided. This condition is right on us and is the main reason why I am calling this matter to your attention. Even if the Legislature should pass a bond relief bill by an emergency vote before the expiration of this thirty day term, it would take thirty days to prepare the issue and sale of the bonds, and in the meantime we will face the horror of a million hungry people in Texas. If the Legislature should pass a bond relief bill but fail to furnish the two-thirds majority necessary to put the law into immediate effect, it would not, of

course, go into effect until about the middle of January, and in the meantime our relief rolls will grow to more than a million and a half, and our situation would be the most desperate and grave of our day and generation. Of course, you have the power to decide what shall be done, but I deem it my duty to inform you that if the policy of Texas in relief matters is not set forth in a specific bill within the next week, I am fearful of results.

I call your attention to the fact that I have heretofore sent you a bill complete within its provisions for the issuance of these relief bonds. If this bill is passed substantially in its present form, then I am willing to assume the responsibility for meeting our condition. If the bill is not passed and valuable time is used in the discussion of other plans and bills, then the responsibility is yours. Only the seriousness and the gravity of the situation impels me to make these observations for your information, and I trust they will be received in the spirit in which they are advanced.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,

Austin, Texas, Sept. 28, 1933.

To the Forty-third Legislature in First Called Session:

By request, I herewith submit for your consideration a bill to be entitled: "An Act defining the term 'Plumber' or 'Plumbing' in connection with Articles 1077-1081 in 1925 Revised Civil Statutes of Texas, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,

Austin, Texas, Sept. 28, 1933.

To the Forty-third Legislature in First Called Session:

By request of a majority of the House, I herewith submit for your consideration a bill to be entitled: "An Act to provide for an investigation and study of wages of women and minors employed in trade and industry in the State of Texas."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Bedford, I enclose you a House Concurrent Resolution hereto attached permitting H. J. Hetkes Company or its assigns to sue the State.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Bedford, I hereby submit for your consideration a bill hereto attached to be entitled: "An Act amending Article 612 of the Penal Code of the State of Texas, 1925, by omitting therefrom language quoted and making it lawful for moving pictures to give or present to the public an exhibition of prize fights or glove contests, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of the Secretary of State, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act appropriating \$25,000 out of any funds of the State of Texas not otherwise appropriated, to be used to pay additional expense of publication of eight proposed amendments to the Constitution of Texas and for the subsequent holding of a General Election, completely set forth in the caption to said bill."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of many members of the House of Representatives, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act to amend the Acts of the 1931, Forty-second Legislature, Regular Session, page 111, Chapter 73,

by providing for the payment of occupation tax by producers of natural gas for light and fuel."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 29, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Senator Pace I herewith submit for your consideration a bill hereto attached to be entitled: "An Act to amend Senate Bill No. 438, pages 93-98, Chapter 74, Special Laws of Texas of the Forty-third Legislature, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Moore, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act defining 'Daily Newspapers' or 'Newspaper,' 'Consecutive Days' or 'Successive Days' and words of similar meaning."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of the majority of the House, I hereby submit for your consideration a bill hereto attached to be entitled: "An Act granting the Commissioners Court of Childress County power to use all or any part of the interest collected on note or notes held by Childress County against Childress County school land in Bailey and Cochran Counties, Texas, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Senator Holbrook, I herewith submit for your considera-

tion a bill hereto attached to be entitled: "An Act prohibiting inquiry concerning the religion or religious affiliations of persons seeking employment or official position in the public schools, providing a penalty, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of a majority of the House, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act to aid the City of Palacios and the Village of Collegeport, both situated in Commissioners Precinct No. 3 of Matagorda County, Texas, in constructing and maintaining sea walls, breakwaters and shore protection."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Tennyson and Representative Harris, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act defining common carrier pipe lines engaged in or to engage in the transportation of natural gas."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representatives Tennyson and Harris, I submit for your consideration a bill to be entitled: "An Act to safeguard the consumers of natural gas whether used on a domestic, industrial, or commercial basis, against excess charges, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Jones and Representative Riddle, and a majority of the House, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act to amend Subdivision 9, Article 2135, Chapter 7, Title 42, of the Revised Civil Statutes of Texas, 1925."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Walker and Representative Tennyson, I submit for your consideration a bill hereto attached to be entitled: "An Act to amend subdivision 5 of Article 7206 of the 1925 Revised Civil Statutes so that the County Board of Equalization shall also require that the amount to which that property is raised for taxation purposes shall also be stated in the notice now required to be given to such person who rendered said property and requiring said notice to be given ten days in advance of meeting to be held by said board."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of the Land Commissioner, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act making appropriation for the support and maintenance of the General Land Office and particularly making appropriation for a special audit to be made by or under the direction of the Commissioner of the General Land Office of all books and accounts of oil companies relative to the bonus and rentals due on public school lands, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Harman, I herewith submit for your consideration six questions:

1. An additional appropriation to the Commissioner of Insurance sufficient to take care of his agents who have to go to other states to audit insurance companies' books. The present expense account allowed is alleged to be insufficient.

2. The question of allowing the Labor Commissioner two women and three men as inspectors in his department.

3. The question of allowing the State Service Officer a stenographer. The work of this department has increased to where at least one additional stenographer is necessary.

4. The question of the employment of a woman to inspect and look after the rest rooms for the ladies in the capitol building.

5. The question of additional appropriation for the Live Stock Sanitary Commission to complete work already begun on tick eradication which will suffer if not completed now.

6. The increase of lawlessness and crime makes an appropriation sufficient to employ at least six additional rangers almost imperative.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Senator Woodruff, I herewith submit for your consideration a bill to be entitled: "An Act amending Section 1 of Chapter 12 of the Forty-second Legislature defining the offense of kidnaping for extortion, ransom or robbery so as to provide for capital punishment for such offenses, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 28, 1933.  
To the Forty-third Legislature in  
First Called Session:  
By request of a majority of the

House, I submit for your consideration a bill hereto attached to be entitled: "An Act to amend House Bill 555, Chapter 215, Acts of the Regular Session of the Forty-third Legislature regulating the salaries of county commissioners and providing from what funds said salaries shall be paid, and making certain exceptions."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 29, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of a majority of the House, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act to define, license, and regulate loan brokers and the business of loan brokers in the amounts of \$500 or less secured or unsecured. Providing for a license fee, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 27, 1933.  
To the Forty-third Legislature in  
First Called Session:

At the request of Senator Neal and other members of the Senate, I hereby submit for your consideration a bill hereto attached to be entitled: "An Act amending S. B. No. 86, Acts of the First Called Session of the Forty-first Legislature by authorizing the receiving of gifts and donations for rehabilitation work, said gifts and donations to be deposited in the State Treasury, subject to the matching of same with Federal funds to a limited amount; and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, Sept. 27, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Senators Redditt and Cousins and other members of the Senate, I hereby submit for your consideration a bill hereto attached to be entitled: "An Act creating 'Lower Neches Valley Authority,' a conservation and reclamation district



under and with the powers provided in Section 59, Article 16, of the Constitution, to conserve, control and utilize storm and flood waters of the Neches River and its tributaries, except said district shall have no power of taxation, nor right to create any debt payable out of taxation; defining the boundaries thereof . . . , and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,

Austin, Texas, Sept. 27, 1933.

To the Forty-third Legislature in First Called Session:

By request of Representatives Nicholson, McDougald, and McKee, and other members of the House, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act to provide for the sale by the State to the City of Port Arthur, Texas, a municipal corporation, and its assigns, a certain tract or area of land situated in Jefferson County, Texas . . . , and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,

Austin, Texas, Sept. 28, 1933.

To the Forty-third Legislature in First Called Session:

By request of the Honorable Speaker of the House of Representatives, I take pleasure in submitting for your consideration a bill hereto attached to be entitled: "An Act to declare the validity of the indebtedness arising out of the construction of State Highway No. 41 in the County of Real; to place such indebtedness on parity with bonds, warrants and other evidences of indebtedness heretofore authorized to be paid out of the County and Road District Highway Fund; providing for the payment of such indebtedness to Real County in trust for Captain Charles Schreiner, his heirs and legatees; repealing all laws, parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,

Austin, Texas, Sept. 27, 1933.

To the Forty-third Legislature in First Called Session:

By request of Representatives Nicholson, McDougald, and McKee, and other members of the House, I herewith submit for your consideration a bill hereto attached to be entitled: "An Act authorizing navigation districts without the voting of bonds or levying of taxes to acquire, purchase, take over, construct, enlarge, extend, repair, maintain, operate or develop wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants and facilities, lightering, barges, towing facilities and all other facilities or aids incident to or necessary toward the operation or development of ports or waterways within such districts, and to borrow money therefor from the Federal Emergency Administration of Public Works."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, Sept. 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 10, A bill to be entitled "An Act amending Title 126, Revised Civil Statutes, 1925, and Title 19 of the Penal Code of Texas, by adding a new article to each of said titles, to be known as Article 7438-a, Revised Civil Statutes of 1925, and Article 1644-a, Penal Code of Texas, so as to provide for and authorize an additional defense in all suits, actions, or prosecutions under said titles; and providing that such defense shall not be available in any pending cause or in any cause of action, whether sued upon or not, for any act, trade practice, or agreement committed, performed, or attempted to be performed prior to the adoption and approval of any code, trade practice, license, or agreement legally approved, performed, or issued under the terms of the National Industrial Recovery Act; and providing for the additional remedy of

injunction by the State for violations of the provisions of such titles in addition to all other penalties now provided by law; and providing for the duration and termination of this Act, and declaring an emergency."

S. C. R. No. 9, Extending an invitation to the Honorable James A. Farley, Chairman of the National Democratic Executive Committee and Postmaster General of the United States at the present time, to be the guest of official Texas during his proposed visit to the State in the month of October.

H. C. R. No. 14, Protesting the passage of the so-called "Duck Stamp Bill" which will come up for action in Congress, and urging U. S. Senators from Texas to vote against the bill.

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-eighth Congress of the United States of America, at its First Session, which amendment empowers the Congress to limit, regulate, and prohibit the labor of persons under 18 years of age.

H. B. No. 21, A bill to be entitled "An Act authorizing the State Board of Education to create and establish school districts at military reservations located within the State of Texas upon such terms and conditions as agreed upon by and between said Board and the War Department of the United States Government; etc., and declaring an emergency."

H. B. No. 27, A bill to be entitled "An Act to amend Chapter 2, of Title 116, of the Revised Civil Statutes of Texas, 1925, by adding to said chapter a new article, to be known as 'Article 6711-a,' providing that upon application of ten (10) or more resident citizens of the Counties of Polk, Trinity, Angelina, or Tyler, or one person living within an enclosure of two thousand (2,000) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes, or bays in the Counties of Polk, Trinity, Angelina, or

Tyler; providing for notice and hearing on said application; providing for damages to landowners where roads are opened; providing that the commissioners court shall not be required to keep such roads worked; etc., and declaring an emergency."

H. B. No. 29, A bill to be entitled "An Act to authorize the withdrawal or exclusion of lands from water control and improvement districts which embrace lands in two or more counties, and containing not less than one hundred twenty-five thousand (125,000) acres after the provisions hereof are adopted by a two-thirds vote of the board of directors of any such district, by resolution and entered of record upon the minutes of such board, and a copy thereof recorded in the office of the county clerk of each county in which any portion of the lands of such district are situated; providing that no petition for exclusion of lands shall be presented or filed unless the lands proposed to be excluded, and therein described, exceed five thousand (5,000) acres; prescribing the method of procedure whereby lands may be withdrawn or excluded from any district; etc., and declaring an emergency."

H. B. No. 34, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than three thousand eight hundred (3,800) square miles and not less than three thousand six hundred (3,600) square miles and a population of not less than nine thousand and eight hundred (9,800) and not more than twelve thousand, (12,000), according to the last Federal Census, authorizing them to condemn land for school purposes; etc., and declaring an emergency."

H. B. No. 38, A bill to be entitled "An Act to amend H. B. No. 925, Chapter 89, Acts of the Forty-second Legislature, passed at its Regular Session in 1931, authorizing any navigation district created for the development of deep-water navigation which may now have, or may hereafter have, within its boundaries, a city of not less than twenty-seven thousand nor more than twenty-eight thousand inhabitants, as shown by the Federal Census last preceding such action, to borrow

money and encumber its properties and revenues to secure payments thereof, by adding thereto new sections, to be known as Sections 8, 9, 10, 11, 12, 13, and 14, so as to provide for notice and hearing in respect of the issuance of the evidences of any such indebtedness; etc., and declaring an emergency."

H. B. No. 45, A bill to be entitled "An Act validating and legalizing the creation of navigation districts heretofore created under authority of Section 52, Article III, of the Constitution of Texas, and which have thereafter been converted into navigation districts under Section 59, of Article XVI, of the Constitution, and as provided by Section 1, of Chapter 103, Acts of the Forty-first Legislature, 1929, First Called Session; etc., and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill, any wild quail of any species for a period of five (5) years in Gaines County, Texas; fixing penalty, and declaring an emergency."

H. B. No. 53, A bill to be entitled "An Act to amend Section 6, Chapter 88, of the General Laws of the Forty-first Legislature, Second Called Session, by adding thereto, Section 6-a, so as to reduce registration license fees on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof in the transportation of his poultry, dairy, live stock, and farm products, grown or produced by him, to market or to other points for processing, and for the transportation of supplies by the owner of such commercial motor vehicle from place of purchase, to his own farm or ranch for his exclusive use; prescribing penalties for violation thereof, and declaring an emergency."

H. B. No. 54, A bill to be entitled "An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts of the Forty-second Legislature, First Called Session, and by Chapter 162, Acts of the Forty-third Legislature, imposing a tax of one-tenth of one cent per barrel on crude petroleum oil; appropriating the proceeds of such tax to the Railroad Commission of Texas to be used in carrying

out its duties in connection with the conservation laws of this State relating to oil and gas; providing for the employment of supervisors, assistants, and other employees by the Commission and for the payment of their salaries, and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than 24,233 nor more than 24,333, according to the last preceding United States Census, and prescribing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in the county shall exceed the sum of ten million dollars for the next preceding year; fixing said salary when said taxable values are less than said sum, and declaring an emergency."

H. B. No. 57, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Jasper and Newton Counties during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 59, A bill to be entitled "An Act to prohibit the trapping or hunting with guns of wild foxes, or having in possession the pelts thereof in Upshur County; providing a penalty; providing that farmers or poultry raisers may kill such foxes while in the act of actually destroying chickens or other poultry or farm animals; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 65, A bill to be entitled "An Act to provide for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than three thousand (3,000) and not more than three thousand one hundred (3,100) population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill, or attempt to kill by any means whatsoever, any wild turkey, wild chachalaca, or Mexican pheasant in the Counties of Guadalupe, Comal, Gonzales, and Wilson for a period of five (5) years; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### S. C. R. No. 10.

Senator Blackert sent up the following resolution:

Whereas, On or about September the 6th, 1933, Frank Tiner of Lavernia, Wilson County, Texas, was enroute to his home, when five miles north of Beeville, a highway truck, one of a convoy going to the Rio Grande Valley and traveling at a high rate of speed, struck his Overland car on a narrow bridge, completely demolishing same and injuring the occupants, and

Whereas, The demolished car was the only means of transporting produce to the market and of conveying his children to school several miles away; and

Whereas, the accident was caused by the carelessness and negligence of an employee of the State Highway Department; and

Whereas, The said Frank Tiner is desirous of bringing suit against the State Highway Department of Texas and the State of Texas for such amount as said Frank Tiner may be entitled to recover for the amount of his demolished car; and

Whereas, The said Frank Tiner has not been compensated for his loss; now, therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Frank Tiner, or his heirs, executors and administrators, be and they are hereby authorized to bring suit against the State Highway Department of Texas and the State of Texas for such amount as said Frank Tiner may be entitled to recover by reason of such resulting damages; and that in case such suit be filed, service of citation or other necessary process be had upon the Governor of the State

of Texas, the Chairman of the State Highway Commission of Texas and the Attorney General of Texas, and that the same have the same force and effect as made and provided in civil cases; and provided that either one of the parties to said suit shall have the right to appeal without the execution of bond; and any judgment that may be finally established against the State of Texas and the State Highway Commission of Texas, or either of them, in said suit, shall be a liquidated debt and shall be paid by the State Highway Commission of Texas out of the State Highway funds. Such a suit may be filed in any court of competent jurisdiction in Travis County, Texas.

BLACKERT.

Read and referred to Committee on State Highways and Motor Traffic.

#### Resolution Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 3.

#### Motion to Concur.

On motion of Senator Hornsby, the Senate concurred in the House amendment to S. C. R. No. 9.

#### House Bills Referred.

H. B. No. 68, read and referred to Committee on Game and Fish.

H. B. No. 65, read and referred to Committee on Educational Affairs.

H. B. No. 59, read and referred to Committee on Game and Fish.

H. B. No. 57, read and referred to Committee on Game and Fish.

H. B. No. 56, read and referred to Committee on Counties and County Boundaries.

H. B. No. 54, read and referred to Committee on State Affairs.

H. B. No. 53, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 52, read and referred to Committee on Game and Fish.

H. B. No. 45, read and referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 38, read and referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 34, read and referred to Committee on Educational Affairs.

H. B. No. 29, read and referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 27, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 21, read and referred to Committee on Educational Affairs.

H. B. No. 10, read and referred to Committee of the Whole.

H. J. R. No. 1, read and referred to Committee on Labor.

H. C. R. No. 14, read and referred to Committee on Federal Relations.

#### Executive Session Set.

On motion of Senator Martin, the Senate voted to go into executive session at 11:50 o'clock this morning.

#### Recess.

On motion of Senator DeBerry, the Senate, at 10:26 o'clock a. m., recessed until 11:50 o'clock a. m.

#### After Recess.

The Senate met at 11:50 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem. George C. Purl.

#### Executive Session.

At 11:50 o'clock a. m., the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

#### After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,  
Austin, Texas, Sept. 29, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, have had under consideration the following appointee, recommended by the Governor, and I, as Chairman of said Committee, am instructed to recommend back to the Senate that the follow-

ing named person for the following named position be in all things confirmed:

To be a member of the Game, Fish and Oyster Commission:

Mrs. Hal C. Peck, Amarillo, Potter County, Texas.

Respectfully submitted,

MARTIN, Chairman.

Confirmed.

#### Senate Bill No. 34.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Pace:

S. B. No. 34, A bill to be entitled "An Act to amend S. B. No. 488, Chapter 74, pages 95 to 98, inclusive, of the Special Laws of Texas, Acts of the Regular Session of the Forty-third Legislature of the State of Texas, approved May 16, 1933; which Act was amendatory of S. B. No. 54, Chapter 17, pages 262 to 265, inclusive, Acts of the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas, approved March 25, 1918; which said last mentioned Act was amendatory of Sections 12 and 16 of the Special Road Law of Smith County, Texas, passed by the Regular Session of the Thirty-third Legislature and known as Chapter 70 of the Special Laws of said Thirty-third Legislature, and which is also amendatory of Section 3 of Chapter 8 of the Special Road Law of Smith County, Texas, passed at the Regular Session of the Thirty-fourth Legislature and approved February 16, 1915, so as to further provide that the Commissioners Court of Smith County, Texas, shall provide for the transportation of the county convicts who may be ordered to work on said roads, and for the transportation from place to place in the county of the various employees and hands, laborers, mechanics and artisans who may be employed on the roads and bridges of Smith County, Texas, as well as the transportation of the members of the court in the inspection and general supervision of the roads and bridges of Smith County, Texas, by providing for the purchase by the court of such motor vehicles, motor trucks and trailers as may appear reasonably necessary and proper by said court for said purposes; and further providing for the

necessary and incidental expenditures for the maintenance and upkeep of said motor vehicles as may be provided by said court, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 34 was put on its second reading by the following vote:

Yeas—29.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck. Russek.

The bill was read second time and passed to engrossment.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 34 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck. Russek.

Read third time and finally passed by the following vote:

Yeas—29.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck. Russek.

Recess.

On motion of Senator Redditt, the Senate, at 12:19 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. George C. Purl.

#### Message From the Governor.

Executive Office,

Austin, Texas, Sept. 29, 1933.

To the Texas State Senate:

I ask permission from the Senate to withdraw my nominations to be Members of the Gonzales State Park Commission, as follows:

Mrs. R. S. Dilworth,  
Mrs. W. P. Midkiff,  
Mrs. John Embler, all of Gonzales, Gonzales County, Texas.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Read and referred to Committee on Governor's Nominations.

Senate Bill No. 11.

Senator Parr called up from the table:

By Senator Parr:

S. B. No. 11, A bill to be entitled "An Act amending the provisions of Article 2968, Revised Civil Statutes of Texas, 1925, as amended by H. B. No. 128, Chapter No. 26, of the Fifth Called Session of the Forty-first Legislature."

The question recurred upon the pending amendment (by Senator Small).

The amendment was lost by the following vote:

Yeas—12.

Blackert.	Rawlings.
Collie.	Redditt.
Hornsby.	Regan.
Moore.	Small.
Oneal.	Woodul.
Parr.	Woodward.

Nays—12.

DeBerry.	Pace.
Duggan.	Poage.
Fellbaum.	Purl.
Martin.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.

Absent.

Greer.	Patton.
Hopkins.	

Absent—Excused.

Beck.	Holbrook.
Cousins.	Russek.

Senator Collie sent up the following amendment:

Amend S. B. No. 11, by striking out paragraph 2, and inserting in lieu thereof the following:

"Every person who is entitled to an exemption by law from the payment of a poll tax, and who is in other respects a qualified voter, shall, on or before January 31 of the year when such voter shall become entitled to such exemption, obtain from the tax collector of the county of his or her residence, a certificate showing his or her exemption from the payment of a poll tax."

COLLIE.

Read and adopted.

Senator Small sent up the following amendment:

Sec. 2. The fact that election frauds have been perpetrated in the more populous counties due to the

lack of adequate laws regulating the use of certificates of exemption creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days to be suspended, and this bill shall take effect and be in force from and after its passage, and it is so enacted.

Amend caption to conform.

SMALL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Holbrook.
Cousins.	Russek.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck. Holbrook.  
Cousins. Russek.

**Senators Excused.**

Senators Holbrook and Cousins were excused for the afternoon on account of important business, on motion of Senator Hopkins.

**Recess.**

On motion of Senator Small, the Senate, at 2:27 o'clock p. m., recessed until 5:30 o'clock p. m.

**After Recess.**

The Senate met at 5:30 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. George C. Purl.

**House Bill No. 34.**

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 34, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than 3800 square miles and a population of not less than 9800 and not more than 12,000 inhabitants, according to the last preceding census, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 34 was put on its second reading by the following vote:

**Yeas—27.**

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.

Woodruff. Woodward.  
Woodul.

**Absent—Excused.**

Beck. Holbrook.  
Cousins. Russek.

Read second time.

Senator Regan sent up the following amendments:

**Corrective Amendment.**

Amend H. B. No. 34 in Section Ten (10), Line Three (3) by changing the word "three" to the word "one."

REGAN.

Read and adopted.

**Corrective Amendment.**

Amend H. B. No. 34, in Section Ten (10), Line Two (2) by changing the word "seven" to the word "five."

REGAN.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 34 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck. Holbrook.  
Cousins. Russek.

Read third time and finally passed by the following vote:

**Yeas—27.**

Blackert.	DeBerry.
Collie.	Duggan.



Fellbaum.	Poage.
Greer.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Absent—Excused.

Beck.	Holbrook.
Cousins.	Russek.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, Sept. 29, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill:

S. B. No. 13, A bill to be entitled  
"An Act prescribing additional pow-  
ers and duties of the commissioners'  
court in certain counties, etc., and  
declaring an emergency."

(With amendments.)

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### S. C. R. No. 11.

Senator Redditt sent up the fol-  
lowing resolution:

Whereas, C. B. Spooner, et ux, of  
Orange County, Texas, instituted a  
certain suit in the District Court of  
Orange County, Texas, during the  
October, 1927, term of said court  
against the County Judge and Com-  
missioners of Orange County, Texas;  
and

Whereas, At the May, 1933, term  
of said court, it became necessary  
to make the State Highway Commis-  
sion, then composed of W. R. Ely,  
chairman, and D. K. Martin, mem-  
ber, but now composed of John  
Woods, chairman, and W. R. Ely and  
D. K. Martin, members, a party to  
same; and

Whereas, The said suit is entitled  
C. B. Spooner, et ux., v. Orange  
County, et al., Numbered 5863 on the  
docket of said court; and

Whereas, The said C. B. Spooner  
having died and his widow and sole  
heir having become the sole party  
plaintiff in the suit; and

Whereas, The purpose of the said  
C. B. Spooner in filing said suit as  
aforesaid was and is to establish the  
legal title to certain real property  
set out and described in the plain-  
tiff's Second Amended Original Pe-  
tition, and for matter of convenience  
is again set out herein as follows:

Beginning at a point at the inter-  
section of the projection of the east  
line of the Mrs. C. B. Spooner tract,  
on the south side of Highway No.  
3, in the Joseph Richey Survey and  
the center line of the present State  
Highway No. 3, at Station 141 x 00  
as shown on plans for construction  
of F. A. P. 149-A. C.

Thence with Mrs. C. B. Spooner's  
east line to a point measured 50 feet  
at right angles from the center line  
of Highway No. 3;

Thence along a line parallel to  
and 50 feet from the center line of  
Highway No. 3 to an intersection  
with Mrs. C. B. Spooner's west line;

Thence with Mrs. C. B. Spooner's  
west line to an intersection with the  
center line of Highway No. 3 at Sta-  
tion 157 x 27;

Thence in an easterly direction  
along the center line of Highway  
No. 3 to the place of beginning and  
contains 1.86 acres of land.

Said property being located in the  
Joseph Richey Survey in Orange  
County, Texas; and

Whereas, It appears that the  
above described property was taken  
and used for the purpose of con-  
structing and maintaining State  
Highway No. 3, without legal con-  
demnation proceedings, or purchase,  
and without adequate compensation  
therefor; and without adequate com-  
pensation for damages to the adjoining  
property owned by the said C. B.  
Spooner; and

Whereas, A judgment against the  
State Highway Department for the  
legal title to the above described  
real property will not, without  
joinder of the State of Texas in said  
suit, entitle the said C. B. Spooner  
to recover from the said State High-  
way Department, or from the State  
of Texas, adequate compensation in  
money for the reasonable value of  
said land at the time of its taking  
as aforesaid, and the reasonable  
damages in money for any injury  
or damage to the adjoining and abut-  
ting property owned by the said  
Spooner, together with interest

thereon from date as may be established by said suit until paid; and

Whereas, Article No. 1, Section 17, of the Constitution of the State of Texas, provides that "No person's property shall be taken, damaged or destroyed for, or apply to, public use without adequate compensation being made, unless by the consent of such person;" and

Whereas, The said C. B. Spooner and his predecessors in title has at no time consented to the taking of the above described property with or without compensation; and

Whereas, By the proper proceedings the said State Highway Department and/or the State of Texas, and/or the County of Orange for the State of Texas, may bring cross action in said suit and institute condemnation proceedings against the above described property and thereby secure a title to same for the purpose for which the said property has been taken and is now being used, or for which it will be used; and

Whereas, If the legal title to such property has not been heretofore divested from the said Mrs. C. B. Spooner and her predecessors in title then the said Mrs. C. B. Spooner is entitled to adequate compensation for said property and for damage to adjoining and abutting property; and

Whereas, All questions pertaining to the legal title to said property and the reasonable value thereof and the actual damage to the adjoining or abutting property will be litigated and determined in a court of competent jurisdiction; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said Mrs. C. B. Spooner be given consent to make the State a party defendant in the above styled cause for the purpose of recovering a money judgment for the proper and reasonable value of the above described real property and all appurtenances thereto and all damages occurring and that will occur to the adjoining and abutting property owned by the said Mrs. C. B. Spooner, should the legal title to said described real estate be finally determined and adjudged to be vested in the said Mrs. C. B. Spooner and used for the said public purpose by the said Highway Department

unlawfully and without adequate compensation having been made to the said Mrs. C. B. Spooner.

COUSINS.

Read and referred to Committee on State Affairs.

#### Adjournment.

On motion of Senator Redditt, the Senate, at 6:21 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

##### Petitions and Memorials.

(Letter.)

Laredo, Texas,

September 28, 1933.

Honorable Bob Barker,  
Secretary of the Senate,  
Capitol Building,  
Austin, Texas.

My dear Mr. Barker:

I have the honor to acknowledge receipt of certified copy of House Concurrent Resolution Number 1, adopted by the Senate on September 15th, 1933, relating to the death of my beloved brother, Judge Daniel Franklin Bobbitt.

This expression on the part of the Legislature of Texas in memory of our loved one is deeply appreciated by each and every member of his family.

Kindly express to the members of the Senate the appreciation of all members of the family for this expression of sympathy and their tribute to the memory of our loved one.

Sincerely yours,

ROBERT LEE BOBBITT.

##### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Sept. 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 9 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

##### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Sept. 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 21

carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Sept. 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 13 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Sept. 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, Sept. 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 34.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Sept. 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. C. R. No. 10 (An Act authorizing Frank Tiner of Lavernia, Wilson County, Texas, to sue the State for damages done his car when struck by a highway truck, etc.)

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Sept. 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Edu-

cational Affairs, to whom was referred

S. B. No. 35, A bill to be entitled "An Act amending S. B. No. 86, Acts of the First Called Session of the Forty-first Legislature by authorizing the receiving of gifts and donations for rehabilitation work, said gifts and donations to be deposited in the State Treasury, subject to the matching of same with Federal funds to a limited amount; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, Sept. 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 34, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than 3800 square miles and a population of not less than 9800 and not more than 12,000 inhabitants, according to the last preceding census, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, Sept. 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 31, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from any of the waters of Red River County, except a seine or net of not less than two inch square mesh; or a minnow seine for the purpose of taking bait; providing a penalty; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 29, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 17, A bill to be entitled "An Act amending Chapter 220, Acts of the Forty-third Legislature, Regular Session, page 734, by adding thereto Section 5a, Article 3886a, providing for the maximum compensation of district attorneys and county attorneys, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Sept. 29, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 52, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot or kill any wild quail of any species for a period of five (5) years in Gaines County, Texas, fixing a penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 24, Making an appropriation to the State Department of Education for checking and correcting the scholastic census.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

## TWELFTH DAY.

Senate Chamber,  
Austin, Texas,  
September 30, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. George C. Purl.

The roll was called, a quorum being present, the following Senators answering to their names:

Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Holbrook.
Blackert.	Russek.
Cousins.	Woodul.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

## Committee Reports.

(See Appendix.)

## Bills and Resolutinos.

By Senator Hornsby:

S. B. No. 41, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 77,777 nor more than 78,000 according to the last Federal census."

Read and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 42, A bill to be entitled "An Act authorizing any county, political subdivision or defined district thereof to hold an election for the purpose of determining whether it will repurchase any road bonds sold and outstanding at the time of the passage of this Act, out of unex-